REMARKS

CLAIM REJECTIONS – 35 U.S.C. § 103(a)

Claims 1, 6, 7 and 11- 14

Claims 1, 6, 7, and 11-14 were rejected under 35 U.S.C. § 103(a) as being

obvious in view of U.S. Patent 6,577,644 issued to Chuah et al. (*Chuah*) in view of U.S.

Patent Publication 2002/0116501 attributed to Ho et al. (*Ho*) and further in view of U.S.

Patent No. 6,769,000 issued to Akhtar et al. (*Akhtar*). Applicant respectfully submits

claims 1, 6, 7, and 11-14 are not obvious in view of *Chuah*, *Ho*, and *Akhtar* for at least

the reasons set forth below.

Claim 1 recites, in part, the following:

> one or more control commands employed by a respective network
> element to establish and manage **simultaneous wireless communication
> sessions** of a single end-user terminal in a data network;

Chuah discusses carrying frames over multiple links as part of a multilink Point-

to-Point Protocol (PPP) connection. See column 4, lines 5-30. Multilink PPP allows for

an increase in overall throughput by combining the bandwidth of two or more physical

communication links and is discussed thoroughly in Request For Comments (RFC) 1990.

Links exist at Layer 2 of the OSI model, defined by ISO standard 7498-1. A link is

simply a *physical* connection between two points.

The Examiner takes the highly untenable position that "links can be thought of as

sessions" and provides absolutely no support for this assertion. One of ordinary skill in

the art would not equate a link with a session. Again, a link describes the physical

connection between two points and one of ordinary skill in the art would point to the link

layer of the OSI model to further describe the connection. In contrast, a session involves communication between two hosts and includes the exchange of information such as IP addresses, TCP/IP port numbers, etc. One of ordinary skill in the art would look to the session layer of the OSI model to describe the interhost communication. Thus, Applicant adamantly asserts that a link is not a session.

Indeed, the cited portion of *Chuah* only ever discloses activating a single PPP session. See column 3, line 3. Furthermore, *Chuah* makes the distinction between a link and a session that the Examiner is apparently unwilling to make. *Chuah* discusses setting up a link by exchanging link-layer messages. See column 3, lines 1-3. Subsequent to setting up a link, *Chuah* discusses activating a PPP session which involves session set-up procedures. See column 3, lines 3-6. Thus, not only does *Chuah* distinguish between a session and a link, but *Chuah* makes reference to the additional set-up procedures required for establishing a session. The "additional" session "set-up procedures" clearly indicate that establishing and/or managing a session is different from setting up a link. The cited portions of *Chuah* simply do not teach or disclose one or more control commands employed by a respective network element **to establish and manage simultaneous wireless communication sessions of a single end-user terminal** in a data network, as recited in claim 1. Thus, *Chuah* fails to disclose at least one limitation of claims 1.

Ho was cited as using AVPs to encode control message types to exchange mobility information. Whether or not *Ho* teaches the limitations cited in the Office action, *Ho* does not teach or disclose one or more control commands employed by a respective network element to establish and manage simultaneous wireless

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communication sessions of a single end-user terminal. Thus, *Ho* fails to cure the deficiencies of *Chuah*.

Akhtar was cited as teaching an IPM-L2-Address AVP, an IPM-SMM-MN-Key AVP, and an Integrity-Check-Value AVP. Whether or not *Akhtar* actually teaches the limitations cited in the Office action, *Akhtar* does not teach or disclose one or more control commands employed by a respective network element to establish and manage simultaneous wireless communication sessions of a single end-user terminal. Thus, *Akhtar* fails to cure the deficiencies of *Chuah* and *Ho*. Therefore, Applicant respectfully submits claim 1 is not obvious in view of *Chuah*, *Ho*, and *Akhtar*. Claims 6, 7 and 11-14 depends from claim 1 and distinguishes for at least the same reasons as set forth above.

Claim 2

Claim 2 was rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chuah* and *Ho* in view of *Akhtar* in view of U.S. Patent No. 6,917,600 issued to Chuah et al. (*Chuah 2*). Applicant respectfully submits that claim 2 is not obvious in view of *Chuah* and *Ho* and further in view of *Chuah 2* for at least the reasons set forth below.

Claim 2 depends from independent claim 1 and necessarily includes the limitations of claim 1. As discussed above, *Chuah*, *Ho* and *Akhtar* fail to teach or disclose one or more control commands employed by a respective network element to establish and manage **simultaneous wireless communication sessions of a single end-user terminal in a data network**. *Chuah 2* is cited as disclosing the steps of combining hand-off control messages with the tunnel configuration control messages that are concurrently transmitted between LACs. Whether or not *Chuah 2* actually teaches the limitations cited in the Office action, *Chuah 2* does not teach or disclose one or more

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control commands employed by a respective network element to establish and manage simultaneous wireless communication sessions of a single end-user terminal in a data network. Thus, *Chuah 2* fails to cure the deficiencies of *Chuah, Ho* and *Akhtar*. Therefore, Applicant submits claim 2 is not obvious in view of *Chuah, Ho, Akhtar* and *Chuah 2*.

Claims 15-24

Claims 15-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chuah 2* in view of *Akhtar*. Applicant respectfully submits claims 15-24 are patentable over *Chuah 2* and *Akhtar* for at least the reasons set forth below.

The Manual of Patent Examining Procedure ("MPEP"), in § 706.02(j), states:

> To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, **the prior art reference** (or references when combined) **must teach or suggest all the claim limitations**. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be both found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

(Emphasis added). Thus, the MPEP and applicable case law require that the Office action establish that the combined references teach or suggest **all of the claim limitations** of rejected claims to sustain an obviousness rejection under 35 U.S.C. § 103.

Claim 15 recites, in part, the following:

> ...wherein the mobility management attribute-value pair(s) include an attribute-value pair for each of **a deterministic element and a random element** of a communication session identifier.

Claim 20 recites similar limitations.

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Applicant agrees with the Office action that *Chuah 2* does not teach or disclose an attribute-value pair for each of a deterministic element and a random element of a communication session identifier. The Office action cites *Akhtar* as disclosing the deficient limitations.

The cited portions of *Akhtar* disclose an IPM-L2-Address AVP and IPM-SMM-MN-Key AVP. However, the cited portions of *Akhtar* give no indication that one of the AVPs is for a deterministic element of a communication session identifier or that the other AVP is for a random element of the communication session identifier. Even if one AVP is for a deterministic element and the other AVP is for a random element, there is no indication in *Akhtar* that the two AVPs are respectively for a deterministic element and a random element of the same communication session identifier. Thus, whether or not *Akhtar* teaches the limitations cited in the Office action, Applicant respectfully submits *Akhtar* does not teach or disclose an AVP for each of a deterministic element and a random element of a communication session identifier, as claimed by Applicant. Therefore, Applicant respectfully submits that claims 15 and 20 are not obvious in view of *Chuah 2* and *Akhtar*.

Claims 16-19 depend from claim 15. Claims 21-24 depend from claim 20. Given that dependent claims necessarily include the limitations of the claims from which they depend, Applicant respectfully submits that claims 16-19 and 21-24 are not obvious in view of *Chuah 2* and *Akhtar*.

Claims 8 and 9

Claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Chuah*, *Ho*, and *Akhtar* in view of U.S. Patent No. 6,915,345 issued to Tummala et al.

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(*Tummala*). Applicant respectfully submits that claims 8-9 are not obvious in view of *Chuah*, *Ho* and *Tummala* for at least the reasons set forth below.

Claims 8 and 9 depend from independent claim 1 and necessarily include the limitations of claim 1. As discussed above, *Chuah*, *Ho* and *Akhtar* fail to teach or disclose one or more control commands employed by a respective network element to establish and manage **simultaneous wireless communication sessions of a single end-user terminal in a data network**. *Tummala* is cited as disclosing that encryption can be made using a shared secret or public keys. Whether or not *Tummala* actually teaches the limitations cited in the Office action, *Tummala* does not teach or disclose one or more control commands selectively employed to establish and manage one or more simultaneous wireless communication sessions of a single end-user terminal in a data network. Thus, *Tummala* fails to cure the deficiencies of *Chuah*. Therefore, Applicant submits that claims 8-9 are not obvious in view of *Chuah*, *Ho*, *Akhtar* and *Tummala*.

CONCLUSION

For at least the foregoing reasons, Applicant submits that the rejections have been overcome. Therefore, claims 1-2, 6-9, and 11-24 are in condition for allowance and such action is earnestly solicited. The Examiner is respectfully requested to contact the undersigned by telephone if such contact would further the examination of the present application.

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Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,
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